

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department - Khammam District - Revision Petition filed by Sri Mamillapalli Anantha Ramaiah S/o Sitharamaiah R/o Pinapaka Villag, Burgampahad Mandal, Khammam District aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in I.A.No.54/03 in CMA No 78/2003, dated 19.3.2005 - Rejected - Orders - Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 39

Dated: 03-10-2018
Read the following:-

- 1) Revision Petition filed by Sri Mamillapalli Anantha Ramaiah S/o Sitharamaiah R/o Pinapaka Villag, Burgampahad Mandal, Khammam District, Dt: 23.06.2005.
- 2) Govt.Memo.No.5809/LTR.2/2005-2, dated 08.08.2005 & Govt.Lr.dt 08.08.2005.
- 3) From the Additional Agent to Government. Lr.RP.No.5809/LTR.2/2005-1 (CMA.No.78/2003), dt.23.04.2008.

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ORDER

In the reference 1st read above, Sri Mamillapalli Anantha Ramaiah S/o Sitharamaiah R/o Pinapaka Village, Burgampahad Mandal, Khammam District has filed Revision Petition before the Government aggrieved by the orders of the Additional Agent to Government, Bhadrachalam in I.A.No.54/03 in CMA No 78/2003, & I.A.No.117/2001 in CMA.No41/2001, dated 19.3.2005 of the Agent to Government in respect of land in Sy.No.109/5/1 measuring Ac.5.01 of Pinapaka Village, Burgampad Mandal Khammam District.

2. In the reference 2nd read above, while enclosing copy of the Revision Petition, the Project Officer & Additional Agent to Government, Bhadrachalam was requested to furnish Para Wise Remarks and connected case records and stay rejected as there are no justifiable grounds. In the reference 3rd read above the Additional Agent to Government, Bhadrachalam has furnished Para Wise Remarks and connected case records.

3. The Main grounds of the case are as follows:

- The order of the Lower Court is contrary to law, material evidence on record and facts and circumstances of the case.
- The Learned Agency Divisional Officer, Paloncha and the Learned Additional Agent to Government Ought to have seen that the petitioner had acquired the subject matter of the land by way of succession from his maternal grandfather Sri K.Mallaiah, who acquired it much prior to 1965 and accordingly the entire land is in possession of the petitioner and the family members for more than 40 years.
- The Learned Agent to Government has no authority whatsoever to transfer the statutory appeal to the Additional Agent and even the power if any is not in accordance with law. As such, the impugned judgement passed by the Additional Agent vitiates for want of jurisdiction.
- The respondents ought to have seen that there is no violation of any regulations and without following procedure and without providing opportunity, both the parties have passed orders mechanically.
- The Learned Appellate Authorities ought to have seen that the Petitioner has produced pahanies etc and ought to have appreciated these documents.

- At any event, since the possession of the petitioner is not in controversy of the Land Transfer Regulations, there is no justification in ordering eviction.
- The Learned Agent ought to have seen that no tribal interest is involved in the matter. As such there is no justification in initiating the impugned proceedings against the petitioner since there is no aggrieved party.

4. The remarks of the Additional Agent to Government, Bhadrachalam on the Revision Petition are as under:

- The Revision Petitioner contention is that Agency Divisional Officer, Palwancha and Additional Agent to Government, Bhadrachalam ought to have seen that the petitioner had acquired the subject matter of the land by way of succession from his grandfather K.Mallaiah who acquired it much prior to 1965. Originally the Revision Petitioner is not a party before Agency Divisional Officer, Palwancha in LTR Case No.68/95BPD. The Revision Petitioner filed CMA before the Additional Agent to Government, Bhadrachalam, Khammam District here in and he stated that his father Seetha Ramaih purchased the land from K.Mallaiah for Rs.10,000/- on 15-10-1968.
- But in the 2nd ground of the Revision Petition he has stated that he succeeded the property from his maternal grandfather which is contrary to the Lower Court version. The Revision Petitioner failed to explain his lawful possession by filing relevant documents to show his possession or his family possession not hit by regulation 1 of 59 amended by 1 of 1970. So basing on the documentary evidence the Lower Court (2nd respondent here in) passed orders as per Law.
- The contention of the Revision Petitioner that the Agent to Government has no authority to transfer the appeal to Additional Agent to Government. As such the order passed by Additional Agent to Government, Bhadrachalam is not valid. The Agent to Government, Khammam has got power to transfer the appeals to the in terms of G.O.Ms.No.193 dt.17-4-2002.
- The Hon'ble High Court in batch of the Writ Petitions W.P.No.1241/05, 3814, 11731, 11732, 11733, 14138, 23892, 4660 and 26029 of 2005, 462, 13775, 13800, 18900, 23097, 26412, 26417, 21632 of 2006 and 1427, 1959, 2232, 2268, 1620, 2688, 3951, 4258, 4334, 4494, 4854, 3642, 6004 and 6316 of 2007 filed questioning the validity of the G.O.Ms.No.193 passed a common order dt.29-8-2007. Dismissed the above batch of the Writ Petitions held that the G.O.Ms.No.193 dt.17-4-2002 does not suffer from any vice or invalidity by reason of not being assented to by the President of India under paragraph 5 (4) of Vth Schedule to the constitution of India. Therefore the contention of the Petitioner is not valid, as per the order of the Hon'ble High Court as per the batch of the above Writ petitions.
- After through verification of the records available in the case record, both the Lower Courts (ADO PVC & Additional Agent to Government, Bhadrachalam) have passed the orders. As such the Revision Petitioner contention is not correct.
- The suit land of the Sy.No is 109/5/1. But the Revision Petitioner filed extracts for Sy.No.109/5/2 before the Additional Agent to Government, Bhadrachalam, Khammam District herein, the Revision Petitioner must file pahanies for the Schedule land which he failed to do so. If really the Revision Petitioners father purchased the land prior to 1970 he would have filed pahanies for the year of purchase which is prior to 1970. Before the Additional Agent to Government, Bhadrachalam, Khammam District the Revision Petitioner filed Photostat copies of cist receipts dt.12-6-1995, and

27-4-1997 which no way help his case so the Revision Petitioner failed to file relevant documents to prove his possession prior to 1970. Additional Agent to Government, Bhadrachalam, Khammam District after due verification rightly passed the orders.

- The Additional Agent to Government, Bhadrachalam passed orders between M.Anantha Ramaiah who is the Revision Petitioner here in and K.Mallaiah died LRs. K.Narasaiah and another Cherukuri Adi Laxmi as respondents. But the Revision Petitioner here in without showing them as parties file the appeal which is not maintainable under law. As per the records the transfer of the immovable property situated in the scheduled area has made in between Non-tribal to Non-tribal under regulation 1/59 amended by 1/70. Hence dismissed the appeal in the Lower court (AAG).
- In the facts and circumstances stated above that action taken by the Agency Divisional Officer, Palavancha and Additional Agent to Government, Bhadrachalam (Respondents 2nd and 1st herein) respectively is proper and legally correct accordingly to the provisions of APSA LTR 1/59 amended by Reg. 1/70. Hence the averments made by the Revision Petitioner are untenable and liable to be rejected. It is therefore prayed the Government to dismiss the Revision Petition filed by Mamillapalli Anantha Ramaiah against the orders of the Additional Agent to Government, Bhadrachalam in I.A.No.54/03 in CMA. No.78/2003, dated 19-3-2005.

5. Government after conducting hearings and after careful examination of the Revision Petition and as verified from the documents produced before the authority as well as before the Additional Agent to Government, Bhadrachalam it is observed that;

- The Revision Petition is filed against the order of Additional Agent to Government, Bhadrachalam in I.A.No.54/03 in CMA. No.78/2003, dated 19.3.2005. The Revision Petitioner claims that his father Sri Mamillapalli Seetharamaiah purchased the land on 15.10.1968 from Sri Kamasani mallaiah through a Sada Sale deed. The same was not registered. Even as per the Revenue Records Petitioner was not in possession of the land till 1995. Hence the Revision Petitioner cannot claim the property as inherited from his father. His father is not Pattedar of the property.

6. Government after careful examination of the matter hereby rejects the Revision Petition filed by Sri Mamillapalli Anantha Ramaiah S/o Sitharamaiah R/o Pinapaka Villag, Burgampahad Mandal, Khammam District and hereby upholds the orders of the Additional Agent to Government and Project Officer, ITDA, Bhadrachalam in I.A.No.54/03 in CMA No 78/2003, dated 19.3.2005 in respect of land in Sy.No.109/5/1 measuring Ac.5.01 of Pinapaka Village, Burgampad Mandal Khammam District.

7. The Additional Agent to Government and Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly. The original case records received in the reference 3rd read above are returned herewith.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

BENHUR MAHESH DUTT EKKA,
SECRETARY TO GOVERNMENT

To
Sri Mamillapalli Anantha Ramaiah S/o Sitharamaiah R/o Pinapaka Village,
Burgampahad Mandal, Khammam District.
The Project Officer, ITDA and Additional Agent to Government,
Bhadrachalam, Bhadradi Kothagudem District (w.e.)

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Copy to :

The Agent to Government & District Collector, Khammam District.

The Special Deputy Collector(TW), Bhadrachalam, Khammam District.
for information and necessary action.

The Mandal Revenue Officer, Burgampahad, Khammam District.

Sri T.L.K.Sharma, Advocate

1-3-183/60/68/C/2, Near Play Ground No.II

Gandhinagar, SBI Colony, Hyderabad.

P.S to M(TW)/P.S. to Secretary(TW)

SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER